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SENATE BILL 3108  
By Harper

AN ACT to amend Tennessee Code Annotated, Title 44, Chapter 17; and to repeal Section 44-17-120, relative to regulation of dangerous dogs.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 44-17-120, is hereby repealed.

SECTION 2. Tennessee Code Annotated, Title 44, Chapter 17, is hereby amended by adding the following language as a new Part 4 to read as follows:

44-17-401. This act shall be known and may be cited as the "Dangerous Dog Act".

44-17-402. The purpose of this act is to identify, control and confine dangerous dogs in Tennessee; establish requirements for the keeping of dangerous dogs to prevent attacks; and to impose criminal penalties and civil liability upon the owner of a dangerous dog which attacks without provocation a human being or domestic animal.

44-17-403. The general assembly finds that dangerous dogs are an increasingly serious and widespread threat to the safety and welfare of the people of this state because of unprovoked attacks which cause injury to persons and domestic animals; that such attacks are in part attributable to the failure of owners to confine or properly train and control their dogs, that existing laws inadequately address this growing problem; and that it is appropriate and necessary to impose uniform requirements for the owners of dangerous dogs.

44-17-404. As used in this act, unless the context clearly requires otherwise:

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(1) "Animal control authority" means an entity acting alone or in concert with other local government units and authorized to enforce animal control laws of the city, county, or state. In those areas not served by an animal control authority, the sheriff shall carry out the duties of the animal control authority under this act.

(2) "Animal control officer" means any individual employed by, contracted with, or appointed by the animal control authority for the purpose of aiding in the enforcement of this act or any other law or ordinance relating to the registration of animals, control of animals, security and impoundment of animals, and includes any state or local law enforcement officer or other employee whose duties in whole or in part include assignments and that involve the seizure and impoundment of any animal.

(3) "Competent person" means any person of age who is able to normally comprehend and understand the nature of his/her responsibility, and have sufficient ability, mentally and physically, to handle the dog in question.

(4) "Dangerous dog" means any dog that according to the records of the appropriate authority:

(A) Has aggressively bitten, attacked, or endangered or has inflicted injury on a human being on public or private property.

(B) Has severely injured or killed a domestic animal while off the owner's property.

(C) Has been used primarily or in part for the purpose of dog fighting or is a dog trained for dog fighting.

(D) Has when unprovoked chased or approached a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack; provided that such attacks are attested to in a sworn statement by one or more persons and dutifully investigated by the appropriate authority.

(5) "Owner" means any person, firm or organization possessing, harboring, keeping, or having control or custody of an animal or if the animal is owned by a person under the age of eighteen (18), that person's parent or guardian.

(6) "Proper enclosure of a dangerous dog" means, while on the owner's property a dangerous dog is securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top to prevent the dog from escaping over, under, or through the structure and shall also provide protection from the elements.

(7) "Severe injury" means any physical injury that results in broken bones, multiple punctures, or disfiguring lacerations requiring sutures or cosmetic surgery.

(8) "Unprovoked" means that the victim who has been conducting himself peacefully and lawfully has been bitten or chased in a menacing fashion or attacked by a dog.

44-17-405. An animal control authority shall investigate reported incidents involving dogs that may be dangerous and shall require sworn affidavits from individuals desiring to have a dog classified as dangerous. The animal control authority shall determine if a dog is to be classified as dangerous and shall immediately provide written notification by registered or certified mail to the owner of a dog that has been classified as dangerous. A dog shall not be classified as dangerous if the threat, injury, or damage was sustained by a person, who at the time, was unlawfully on the property, or while lawfully on the property was tormenting, abusing, or assaulting the dog or its owner.

44-17-406.

(a) Within thirty (30) days after a dog has been classified as dangerous, the owner of the dog must obtain a certificate of registration for the dog from the animal control authority serving the area in which the owner resides, and the certificate shall be renewed annually.

Animal control authorities are authorized to issue such certificates of registration, and renewals thereof, only to persons who are at least eighteen (18) years of age and who present to the animal control authority sufficient evidence of:

- (1) A current certificate of rabies vaccination for the dog.
- (2) A proper enclosure to confine a dangerous dog and the posting of the premises with a clearly visible warning sign at all entry points that informs both children and adults of a dangerous dog on the property or premises.
- (3) Permanent identification of the dog such as a tattoo on the inside thigh or electronic implantation.
- (4) Proof that the owner has procured liability insurance of at least one hundred thousand dollars (\$100,000) insuring the owner of the dog for any damages or personal injury which may be caused by the dangerous dog. In the event said liability insurance is cancelled, lapsed, or for any reason becomes not enforceable, said owner shall be in violation of the provisions of this act.

The appropriate governmental unit may impose an annual fee for the issuance of certificates of registration required by this section.

(b) The owner shall immediately notify the appropriate animal control authority when a dog that has been classified as dangerous:

- (1) Is loose or unconfined.
- (2) Has bitten a human being or attacked another animal.
- (3) Is sold, given away, or dies.
- (4) Is moved to another address.

Prior to a dangerous dog being sold or given away, the owner shall provide the name, address and telephone number of the new owner to the animal control authority. The new owner must comply with all the requirements of this act and implementing local ordinances, even if the animal is moved from one local jurisdiction to another within the state. The animal control

officer must be notified by the owner of a dog classified as dangerous that the dog is in the animal control officer's jurisdiction.

(c) It is unlawful for the owner of a dangerous dog to permit the dog to be outside a proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under the control of a competent person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any person or animal. When being transported, such dog shall be safely and securely restrained within a vehicle.

44-17-407.

(a) Hunting dogs are exempt from the provisions of this act when engaged in any legal hunt or training procedure. Dogs engaged in training or exhibiting in legal sports such as obedience trials, conformation shows, field trials, hunting retrieving trials, and herding trials are exempt from the provisions of this act when engaged in any legal procedures. However, such dogs at all other times in all other acts shall be subject to this and local laws. Dogs that have been classified as dangerous shall not be used for hunting purposes.

(b) This act does not apply to dogs used by law enforcement officials for law enforcement work or purposes.

44-17-408.

(a) Any person who violates any provision of this act is guilty of a misdemeanor, punishable by a minimum fine of one hundred dollars (\$100) with a maximum fine of five hundred dollars (\$500).

(b) If a dog that has not been declared dangerous under this act aggressively attacks and causes severe injury to or death of any human, the owner of the dog, upon conviction, is guilty of a misdemeanor, punishable as provided in state statutes. If a dog that has not been declared dangerous under this act aggressively attacks and causes severe injury

or death to a domestic animal, the owner of the dog, upon conviction, is guilty of a misdemeanor, punishable as provided in state statutes for Class A misdemeanors.

In addition, the dog shall immediately be confiscated by an animal control authority, placed in quarantine and held for ten (10) days. If at the end of the ten (10) day holding period, the owner does not reclaim the animal and pay all boarding costs and other fees as required, the animal control authority may destroy the dog in an expeditious and humane manner. If the dog is returned to the owner, the dog shall be declared dangerous and all sections of this act shall be observed.

(c) If a dog that has previously been declared dangerous under this act attacks or bites a person or a domestic animal without provocation, the owner of the dog, upon conviction, is guilty of a misdemeanor, punishable as provided in state statutes for Class B misdemeanors. In addition, a dangerous dog shall immediately be confiscated by an animal control authority, impounded and held for ten (10) days, and thereafter destroyed in an expeditious and humane manner. This ten (10) day holding period shall allow the owner to apply to the court for any appeals. The owner shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure.

If a dog that has previously been declared dangerous under this act aggressively attacks and causes severe injury or death of any human, the owner of the dog, upon conviction, is guilty of a Class E felony, punishable as provided in the state statutes. In addition, the dog shall be immediately confiscated by an animal control authority, placed in quarantine for ten (10) days and thereafter destroyed in an expeditious and humane manner. This ten (10) day holding period will allow the owner to apply to the courts for any remedies that may be available. The owner shall be responsible for payment for all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure.

44-17-409. Any owner of a dog that has been involved in a biting incident, who chooses to surrender that animal to the animal control authority will sign a statement

acknowledging that the dog will be destroyed and submitted to the state laboratory for testing for the rabies virus. The owner of this dog will be required to pay boarding costs and other fees if the dog was kept at the shelter after being confiscated for more than twelve (12) hours.

44-17-410. Nothing in this act shall limit any local government from placing further restrictions or additional requirements on owners of dangerous dogs or developing procedures and criteria for the implementation of this act, provided that no such regulation is specific to breed and that the provisions of this act are not lessened by such additional regulations or requirements.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.